S.B.Civil Second Appeal No.41/2005.

Rajendra Singh.
vs.
Smt. D.H. Lal.

Date : 26.2.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. Salil Trivedi, for the appellant.

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Heard learned counsel for the appellant.

The plaintiff filed suit for recovery of Rs.30,000/- against the respondent. The respondent took plea that there were several litigations – civil and criminal, pending between the parties, therefore, the plaintiff's case that he advanced money to the defendant is absolutely false and in fact, that amount was paid to the defendant because the defendant was running a school and for vacating the said premises, the defendant suffered some loss and to compensate that loss, the amount was paid to the defendant.

Two courts below after evidence, held that in the situation like present, the plaintiff could not have advanced money as loan to the defendant.

After going through the impugned judgments and decrees of the two courts below, I do not find any substantial question of law being involved in this appeal. Consequently, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya